

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Murthy

Examiner: Hoge

Serial No. 10/712,233

Filed: 11/12/2003

For: THREE DIMENSIONAL MOBILE ...

Group Art Unit: 3611

Docket 4346

**DECLARATION OF KATYAYINI MURTHY UNDER 37 CFR 1.131 [R-2]**

I, Katyayini Murthy, hereby declare under penalty of perjury that:

1. I am the applicant named in the above identified application for patent, and affirm that I believe that I am the original and first inventor of the subject matter claimed in said application and in the accompanying amendment.
2. In a Patent Office Action dated May 10, 2005, the claims initially filed in this application were rejected under 35 USC §102(e) over patent 6,783,815 B2 to Flohe, which issued August 31, 2004, which has a filing date of January 18, 2002.
3. The subject matter of the initially submitted and now rejected claims were invented by me and reduced to practice by me prior to January 18, 2002, the effective date of the cited reference on which the rejection was based.
4. The following facts establish the assertion made by in paragraph 3 hereof.
5. For a considerable period of time, I have regularly kept a diary of my activities in bound Mead Composition books. Attached hereto as Exhibit A-1 is a photocopy of the front cover, and a one page calendar (A-2) covering the period of Sunday, December 21, 2000 through Saturday, February 3, 2001 (A-2). It was during this period of time that I made the present invention. The next four pages

**BEST AVAILABLE COPY**

from the book, Exhibit A-3 to A-6 show dates of January 20, 2001; February 14, 2001; April 24, 2001 and April 25, 2001; and May 5, 2001. These pages illustrate mobiles of my present invention in which strips are cut from both sides of a central spline with the ends of the cuts on one side of the spline being offset from the ends of the cuts on the other side of the spline. Compare Fig. 2A of my application drawings with my sketches in my January 20, 2001 entry (A-3) along with the entry "staggered cuts". The February, 2001 sketch (A-4) of the heart is similar to the January 20, 2001 sketch, but has a planar heart shape prior to unfolding into a three dimensional mobile. The April 25, 2001 entry (A-5) shows a rectangular planar shape, similar to Fig. 1A of my application drawing. The May 5, 2001 sketch (A-6) likewise shows a rectangular planar member as well as an elliptical planar shape similar to Fig. 2B of the application drawings.

6. It should be noted that the sketches emphasize the feature of strips on opposite sides of a central spline having respective ends offset from each other. This is recited with more particularity in the new claims submitted with the accompanying amendment. The purpose and function of this offset or staggered relationship is explained in the amendment filed concurrently with this Declaration.

7. Exhibits 2 through 8 are photographs of mobiles made by me prior to January 24, 2001. (All of the photographs are date stamped on the back by the company doing the printing.) All of these photographs are of mobiles made by me using the staggered or offset relationship discussed above.

8. Exhibit 2 is a photograph of a friend, dated February 25, 2001 with samples of different mobiles made by me shortly prior to the taking of the photograph, and incorporating my staggered or offset end portions discussed above.

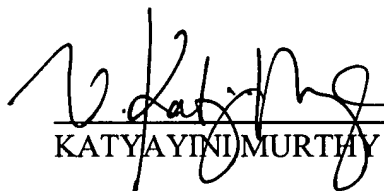
9. Exhibit 9 Is a -photograph of a friend of mine, Jason Longbine, printed on some date between June 30, 2001 and September 24, 2001, as indicated by print 1 in the upper lefthand corner of Exhibit 10 which corresponds to the photograph of Exhibit 9.

10. Subsequent to the events set forth above, I continued to work on and perfect details of my

mobiles to ready them for commercialization, and on or about October 23, 2003, I engaged a patent lawyer to file the above patent application on my invention.

I declare under penalty of perjury that the facts stated in this declaration are to the best of my knowledge true and correct, and this declaration has been signed by me in Alameda, California on this

29 day of July, 2005.

  
KATYAYINI MURTHY

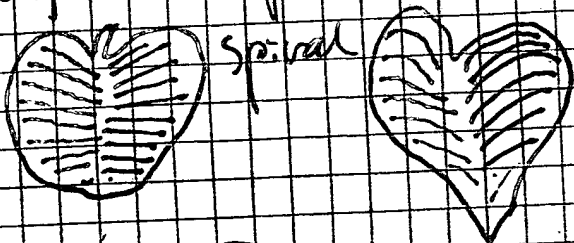


**QUADRILL**  
5 squares per inch

Dec / January 2001

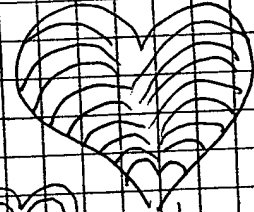
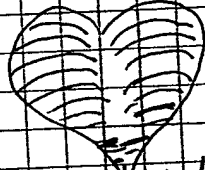
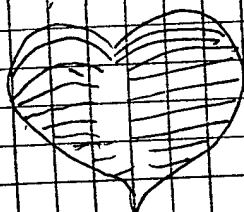
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
31	1 Springing 25 15 Nuke - Nuke spirographs patient 20	2 after 11 hrs - 100 gritter heidi / truckee congratulate	3 1:00-10:00 Drop can gritter	4 X X ← trap ← 4:30-6:00 - Tie, hang ← 5:00-6:00 ← 5:00-6:00	5 New Beda Jali Jordan ← Fire, short ground. R. Kelly song m. J. Kelly	6 Breakfast 13:00 spicy, castate R. Kelly song m. J. Kelly
7 Spencer 30 K. Spencer 30	8 Spencer 30 K. Spencer 30	9 Spencer 30 K. Spencer 30	10 Spencer 30 K. Spencer 30	11 Spencer 30 K. Spencer 30	12 Spencer 30 K. Spencer 30	13 Spencer 30 K. Spencer 30
14 Nancy, Dora, Nadeen Nadeen, Tabe Vivian - Mary	15 Nancy, Dora, Nadeen Nadeen, Tabe Vivian - Mary	16 Nancy, Dora, Nadeen Nadeen, Tabe Vivian - Mary	17 Nancy, Dora, Nadeen Nadeen, Tabe Vivian - Mary	18 Nancy, Dora, Nadeen Nadeen, Tabe Vivian - Mary	19 Nancy, Dora, Nadeen Nadeen, Tabe Vivian - Mary	20 Nancy, Dora, Nadeen Nadeen, Tabe Vivian - Mary
21 R. Spencer Clean house Curtains	22 R. Spencer Clean house Curtains	23 R. Spencer Clean house Curtains	24 R. Spencer Clean house Curtains	25 R. Spencer Clean house Curtains	26 R. Spencer Clean house Curtains	27 R. Spencer Clean house Curtains
28 R. Spencer Clean house Curtains	29 R. Spencer Clean house Curtains	30 R. Spencer Clean house Curtains	31 R. Spencer Clean house Curtains	1 R. Spencer Clean house Curtains	2 R. Spencer Clean house Curtains	3 R. Spencer Clean house Curtains

Also thinking about my spirals. Yes. Cut all of the edges in 5th gr.



well, hope I have a great day.

Love my classes so far! Really nice. Very surprising schedule & all! Yes.



child wave!



did. w/ weight

open sections - or closed?



stronger material? thicker?

Feb 14 01 Wed -

Short day today. Get my Spanish done in my workbook practice all this new stuff. Valentines day today!

Feb 15 01 Thurs

John called me in my office and told me how happy the kids are, staff and everyone is with me. What a good match it is! I told him how thrilled I was too. Feels good to be appreciated. Really glad! Hope things go well today too.

helic  
concentric  
spiraling, whirling, twisting  
chords  
harmonic  
harmonic concentric  
concentric charming  
fractal

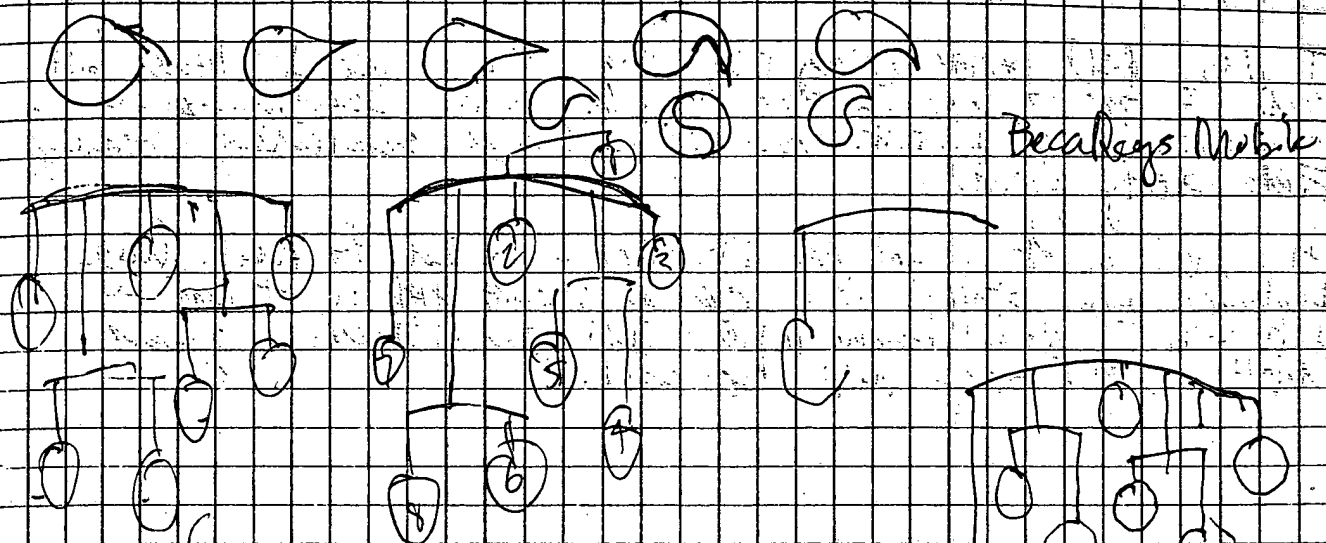
Hum... So many options with a twist with alternating cuts, offset each section can run up to 45° - don't need to be so close. - Hum... & plotting spirals or shapes!

axis in the center (1) or bent (2) or 45° (3) or end (4) helix sections can be open or closed - what or twist. Sections can be

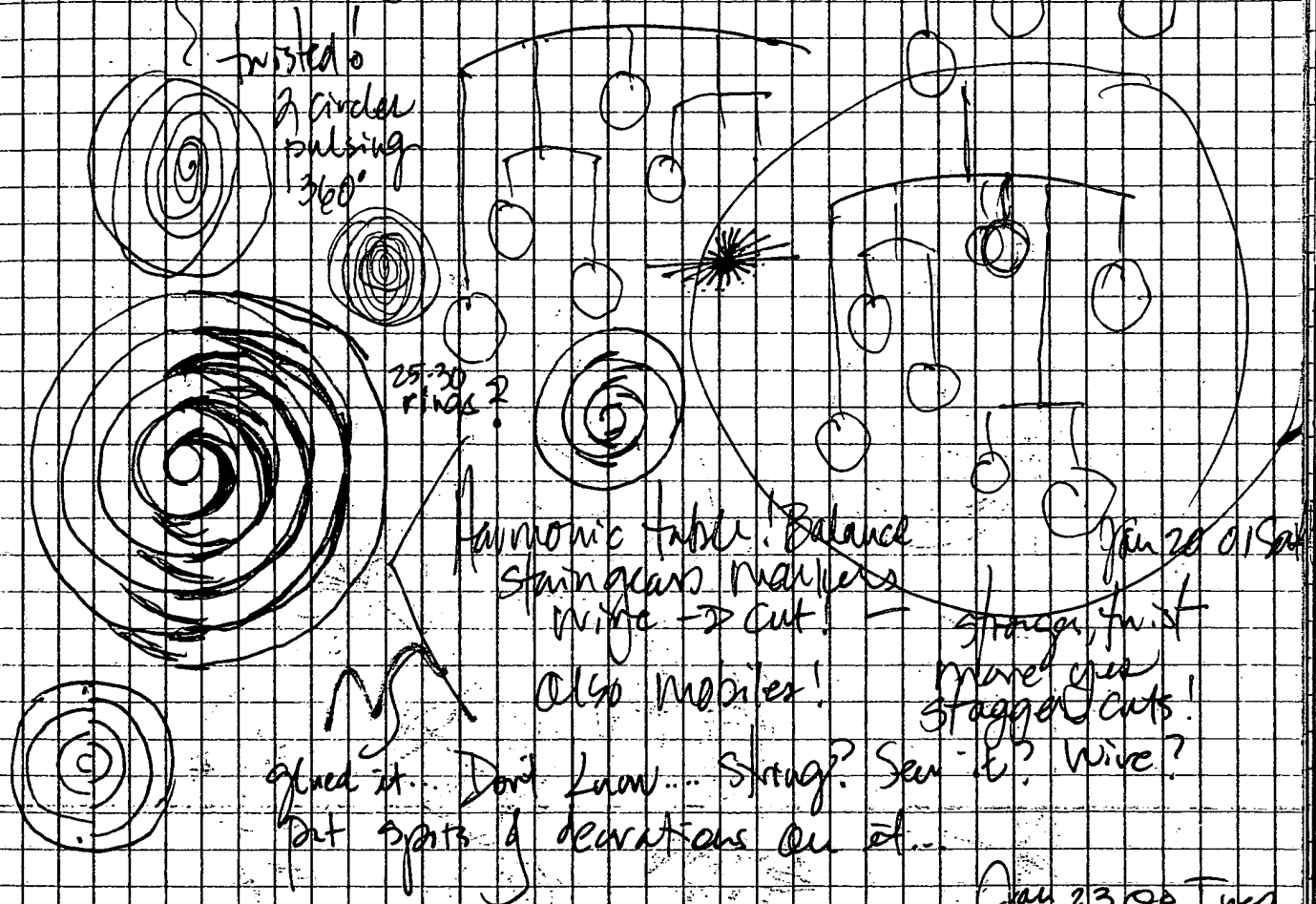
slits or concentric shapes or all different just mandala or slowly change from circle to square - or be huge chunks -

Hum... Material - clear plastic, wood, copper & stainless sturdy for outside.

Oh universe thank you! I'm so grateful! Have you got started!



Becallays Mobile



Quarter is almost done... Feels good... And will be teaching only 3 classes! Boy... Get my notes etc... done and have more time w/ students & all. Really liked the portfolios for the most part. Excellent changes - mostly. Feel alright about my grades actually? No averages.

Jan 23 1950 Tues.



In all paper known and share his good news about the position in the cave. Such love I feel. Really. Few could understand.

Thank you universe for all you have given me! Spinning the house, my family, my creativity, my passion, my absolute inner uniqueness. Such a gift. This truly special. Thank you!

I want to relax and be creative and be spiritual!

April 24 21. Tues.

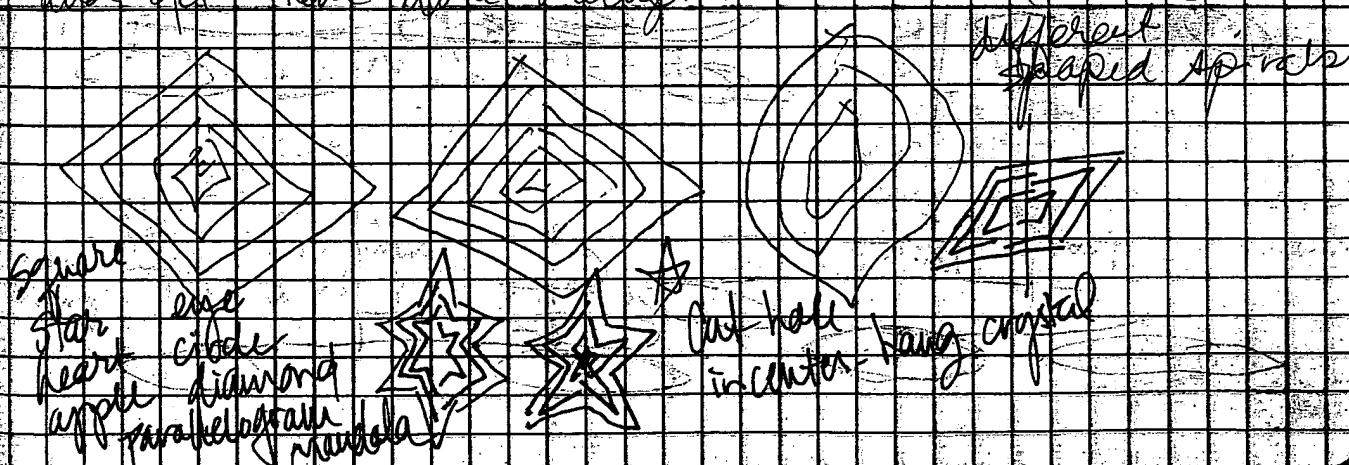
Am really excited about doing a webpage! Seems easy enough, but I want graphics and stuff on there too. Like kind of mosaic like, just photos for now - maybe videos of some of the stuff too.

Sure hope my yeast goes away soon! Kind of bothering me - really.

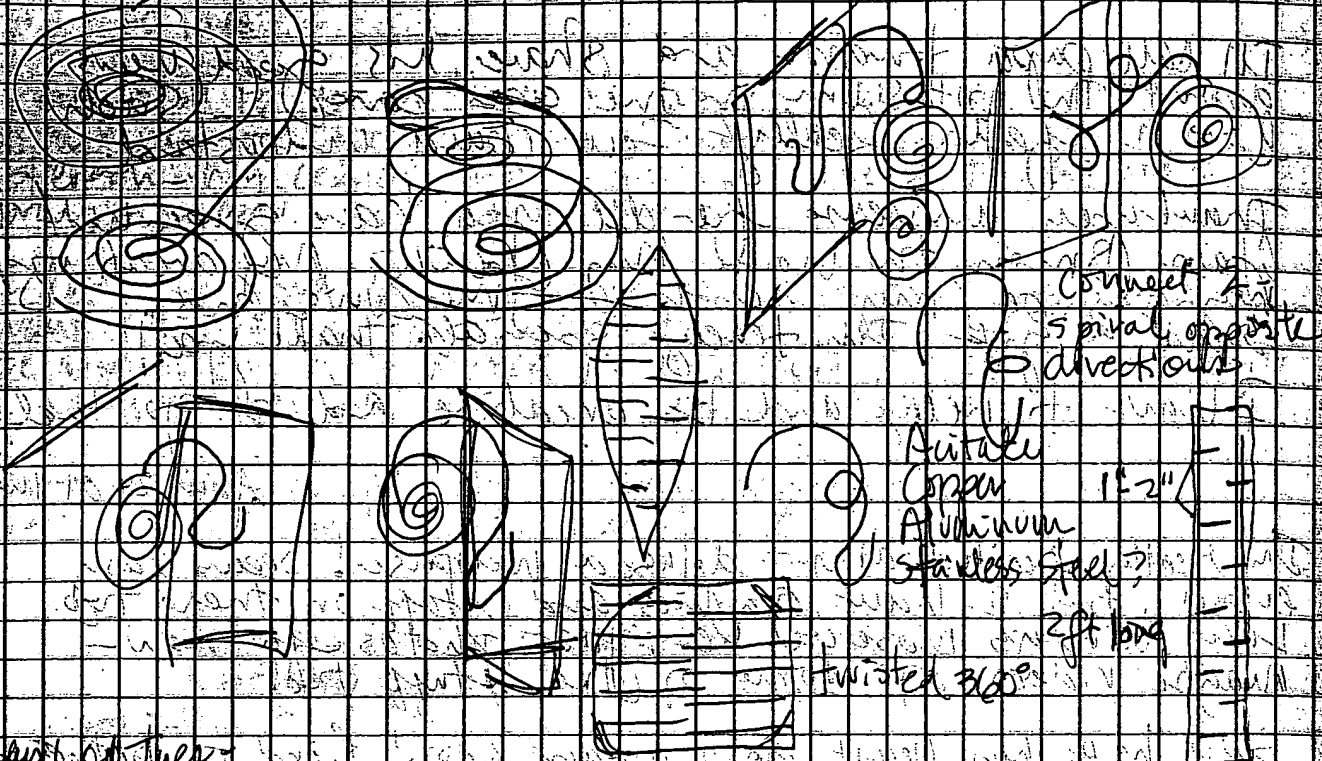
April 25 01 Wed

The power of the mind... Hmm... Seems like its pretty important so we discerned and focused slowly. Sensitive move upon our trading and computer stuff. Don't know about the new page stuff yet - its just need to try to get that together. Well like I could really see my stuff for more and do a good job with it. Its exciting and all! Also want to figure out my spirals and stuff - so many different options - amazing and all! Hope you work people will be good! Really want to be proud of it.

Hope the new stuff w/ the electron goes fast and easy! Sure hope I can make my announcement today and get some done really.

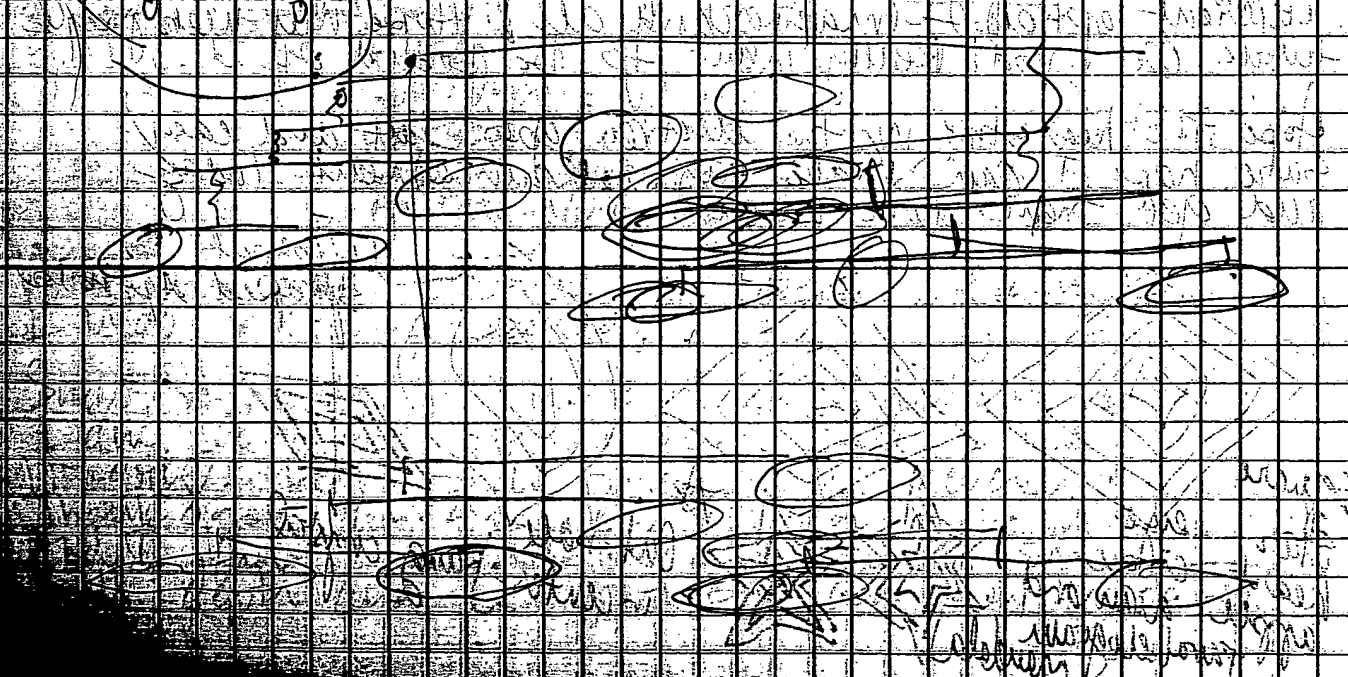






Mays of these -  
From - well - guess I can show videos all day.

Mays of these -  
Compound disk stuff... Put Shimmy in center as  
facing glue - little bulking, but it's not  
even. Then put construction paper on  
the top for the reflection w/ a final  
sem that stays up from the hole suit.  
can stay straight! I have 8





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Murthy

Examiner: Hoge

Serial No. 10/712,233

Filed: 11/12/2003

For: THREE DIMENSIONAL MOBILE ...

Group Art Unit: 3611

Docket 4346


**DECLARATION OF JOANNE KAPSA**

I, Joanne Kapsa, hereby declare under penalty of perjury that:

1. I reside at 617 x Pacific Avenue, Alameda, California 94501.
2. I have known Katyayini Murthy for a number of years, and was frequently a visitor in her home at 106 Haight Avenue, Alameda, California.
3. During the period of January, 2001 to June, 2001, I personally saw Ms. Murthy make a number of mobiles from a flat sheet of material which were cut into strips on opposite sides of a central fixed portion of the sheet. Ms. Murthy could then open or fan the material about the fixed portion of the sheet in order to produce different shapes of three dimensional mobiles, such as illustrated in Exhibits 2 through 10.
4. Ms. Murthy explained to me that the ends of the strips on opposite sides of the fixed portion of the strips were not aligned, and this permitted easier and greater ability to rotate the strips in both directions about the central portion to create different three dimensional effects.
5. I remember specifically the date of March 6, 2001, when I saw the type of mobiles described in paragraph 4 of this Declaration because this was my 40<sup>th</sup> birthday.
6. The outer ends of the strips in some of the mobiles remained attached to a peripheral

portion of the sheet, while in other mobiles, the outer ends of the strips were free.

I declare under penalty of perjury that the facts stated in this declaration are to the best of my knowledge true and correct, and this declaration has been signed by me in Alameda, California on this 15<sup>th</sup> day of AUGUST, 2005.

  
JOANNA KAPSA



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Murthy

Examiner: Hoge

Serial No. 10/712,233

Filed: 11/12/2003

For: THREE DIMENSIONAL MOBILE ...

Group Art Unit: 3611

Docket 4346

**DECLARATION OF JASON LONGBINE**

I, Jason Longbine, hereby declare under penalty of perjury that:

1. I reside at 106 Haight Avenue, Alameda, California 94501.
2. I have known Katyayini Murthy for a number of years, including the year of 2001 and all subsequent years to the present. During this entire period of time, I have been substantially in daily contact with her. I am also aware of her filing an application for patent on her mobile invention as indicated above, and I have read the same.
3. I am the person shown in the photograph (Exhibit 9 of the accompanying Murthy Declaration) which is date identified in Exhibit 10 of said Murthy Declaration. Said photograph was taken by Ms. Murthy in 2001, at a date prior to June 30, 2001, and illustrates a number of mobiles which I saw Ms. Murthy personally make, including the heart shaped mobile in the upper lefthand portion of Exhibit 9. This heart-shaped mobile was made by Ms. Murthy on or just prior to Valentine's Day, February 14, 2001 and is sketched on Exhibit A-4 of the Murthy Declaration, and I was told by Ms. Murthy that she had made this mobile for me.

4. The mobile made by Ms. Murthy was heart shaped when in its flat condition and the cut strips on opposite sides of a central axis or spline were offset or staggered. This permitted opening of

the mobile section about the spline to a greater extent than if the strips were aligned on opposite sides of the spline.

5. I am familiar with Ms. Murthy's regular and frequently daily or weekly entries in her composition books, and I have personally seen her make such entries on a number of occasions.

I declare under penalty of perjury that the facts stated in this declaration are to the best of my knowledge true and correct, and this declaration has been signed by me in Alameda, California on this

29<sup>th</sup> day of JULY, 2005.

  
\_\_\_\_\_  
JASON LONGBINE

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

☒ **BLACK BORDERS**

☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**

☒ **FADED TEXT OR DRAWING**

☒ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**

☐ **SKEWED/SLANTED IMAGES**

☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**

☐ **GRAY SCALE DOCUMENTS**

☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**

☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**

☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**